UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA A. MONIGHAN,

    Plaintiff,

  v.

GOVERNOR TOM WOLF,

    Defendant

CIVIL ACTION NO. 1:18-CV-01654

(JONES, J.)
(MEHALCHICK, M.J.)

ORDER

Plaintiff commenced this action through the filing of a *pro se* complaint on August 21, 2018 (Doc. 1). On September 11, 2018, Defendant filed a motion to dismiss (Doc. 7), and filed a brief in support of that motion on September 26, 2018. (Doc. 9). On September 12, 2018, Plaintiff filed a motion for summary judgment (Doc. 8). On October 14, 2018, Defendant filed a motion to stay the deadline to respond to plaintiff's motion for summary judgment until the court rules on the pending motion to dismiss (Doc. 14), and on October 26, 2018, Plaintiff filed a motion to stay summary judgment (Doc. 17).

As the motion to dismiss remains pending, and further, as no discovery deadline has been set yet, pursuant to the Court's inherent power to manage its docket, the Plaintiff's Motion for Summary Judgment (Doc. 8), shall be **STRUCK** from the record as prematurely filed, without prejudice to the Plaintiff's right to refile his motion for summary judgment after the close of discovery. *See Wild Fish Conservancy v. Nat'l Park Serv.*, No. C12-5109, 2012 WL 6615925, at *4 (W.D. Wash. Dec. 19, 2012) ("Premature summary judgment motions are generally disfavored."); *Rios v. Tilton*, No. 2:07-CV-0790, 2010 WL 3784703, at *2 (E.D. Cal. Sept. 24, 2010) (magistrate judge struck premature summary judgment motion without

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prejudice to refiling after close of discovery). As such, both parties' motions to stay (Doc. 14 and Doc. 17) are **DENIED** as moot. On October 22, 2018, Plaintiff also filed a motion to quash Defendant's motion to stay (Doc. 16); as the motion to stay is denied as moot, Plaintiff's motion to quash is also **DENIED** as moot.

BY THE COURT:

Date: October 30, 2018

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge